

STATE OF NEW MEXICO
Surface Water Quality Bureau
New Mexico Environment Department

**FY 12 CLEAN WATER ACT SECTION 106 WORK PLAN
FOR SURFACE WATER QUALITY MANAGEMENT
Grant # I-00635010**

Semi-Annual Update for Work Accomplished January 1 to June 30, 2012

February 1, 2011

Introduction

This work plan is for the two-year period covering fiscal years 2012 and 2013. In accordance with the National Water Program (NWP) Guidance, this work plan emphasizes the following areas:

- **Water Quality Monitoring**
- **Impaired Waters and TMDLs**
- **Permits, Enforcement and Compliance**
- **Water Quality Standards**

This work plan requests **\$1,280,400** of the \$1,631,800 allocated federal monies in each of the designated years for the surface water portion of the federal Clean Water Act (CWA) Section 106 grant. The balance, \$351,400 is requested in a separate work plan covering groundwater quality activities. The budgeted dollar amounts will also include the required and directly funded state match of **\$220,084** level of effort. Throughout this document, human resource requirements are projected as full-time equivalent (FTE) positions.

The program activities and output schedules identified herein are to be completed during the final quarter of federal FY 11, all four quarters of FY 12 and the first three quarters of FY 13, to synchronize with the State's fiscal year (July 1 - June 30). All activities outlined in this work plan will be conducted in the period from July 1, 2011 to June 30, 2013. A separate work plan for each fiscal year is presented, as requested by EPA.

The current organizational structure of SWQB is shown in the attached chart (**Attachment 1**). SWQB is responsible for, among other things, the management of programs to protect and improve the quality of New Mexico's surface waters. SWQB implements many of these programs through the use of combined state and federal funds; the federal portion is provided through grants under sections 604(b), 319(h), and 106 of the CWA. There are currently 53 full-time equivalent positions in the SWQB. Two sections and two teams of the Bureau are primarily responsible for the program elements of the SWQB Section 106 work plan, the Monitoring & Assessment Section (MAS), the Point Source Regulation Section (PSRS), the Facility Operations

Team (FOS) and the Standards Planning and Reporting Team (SPRT). Support for bureau activities is provided by the Finance and Administration Section (FAS). While certain sections have primary responsibility, the Bureau works together to achieve many of the larger tasks and deliverables. For example development of water quality standards and the 303d list requires input from all sections of the Bureau.

All tasks and outputs specified in this work plan will be completed as funding is available. Reduced funding levels will necessarily mean reduction in outputs.

FISCAL YEAR 2012: WORK PLAN TASKS AND DELIVERABLES

JULY 1, 2011 THROUGH JUNE 30, 2012

1.0 WATER QUALITY MONITORING, IMPAIRED WATERS AND TMDLS (7.5 FTEs – 4.5 Monitoring, 1 Nutrient Assessment and Criteria Development, 0.75 Assessment, 0.25 Database Uploads and 1.0 TMDL)

1.1 Introduction

Section 106(e)(1) of the federal Clean Water Act (CWA) requires the states to establish appropriate monitoring methods in order to compile and analyze data on the quality of "waters of the United States." These activities assist the Bureau in meeting responsibilities detailed under sections 106, 201, 301(b), 303, 305(b), 401 and 604(b) of the CWA. For example, the SWQB collects water quality data to determine if state surface water quality standards are being met and to ensure that designated uses are supported. Water quality data are also used to evaluate the state's standards and propose revisions as appropriate, establish waterbody management priorities, develop total maximum daily loads (TMDLs) pursuant to Section 303(d), develop water quality-based effluent limitations pursuant to Section 301(b), assess the efficacy of water pollution controls, determine water quality trends and to prepare biennial reports to the U.S. Congress pursuant to Section 305(b).

The Bureau identifies surface water quality problems and associated data needs by means of a statewide monitoring plan that provides for the evaluation of all watersheds in the State approximately once every eight years. In FY10 New Mexico completed a revision of its monitoring and assessment strategy using 604b ARRA funding. Attachment 2 shows the eight-year Statewide Monitoring Plan schedule. The monitoring schedule is coordinated with the TMDL development schedule. SWQB strives to ensure that the state completes its share of the following federal Performance Activity Measure commitments related to water quality monitoring, impaired waters and TMDLs each year.

Related EPA Priority Performance Activity Measures (from FY11 National Water Program Guidance)

<i>WQ-5</i>	Number of States and Territories that have adopted and are implementing their monitoring strategies in keeping with established schedules.
<i>WQ-7</i>	Number of States and Territories that provide electronic information using the Assessment Database version 2 or later (or compatible system) and geo-reference the information to facilitate the integrated reporting of assessment data.
<i>WQ-8b</i>	Number, and national percent, of TMDLs that are established by States and approved by EPA [State TMDLs] on a schedule consistent with national policy. Note: Because a TMDL is a plan for attaining water quality standards, the terms "approved" and "established" refer to the completion and approval of the TMDL itself.
<i>SP-10</i>	Number of waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained.

1.2 Water Quality Monitoring

Surface water quality monitoring is primarily accomplished using an 8-year rotating basin strategy. Once every eight years the watershed is the focus of an intensive water quality survey with sampling sites established throughout the watershed of interest. Sample site location, sampling frequency and type of data collected are determined so as to provide adequate data density to allow determination of attainment or non-attainment of New Mexico surface water quality standards. Data collected in these efforts are also used to establish a long-term monitoring record that may allow for simple trend analyses. Specific sample locations are determined by Bureau personnel following review of historic data and 303(d) lists, conducting public meetings with stakeholders, and reconnaissance of the watershed of interest.

The SWQB relies mainly on intensive surveys because of the demonstrated advantage of this form of monitoring in relating water quality data to specific water quality problems. SWQB's integrative watershed approach provides:

- A systematic, detailed review of water quality data and allows for more efficient use of human and budgetary resources.
- Information at a scale where implementation of corrective activities is feasible.
- An established order of rotation and predictable sampling in each watershed, which allows easier coordination efforts with other programs and entities interested in water quality.
- Enhanced program efficiency and an improved basis for management decisions.
- Coordination of monitoring activities across all SWQB and related Departmental (e.g., DOE Oversight Bureau) program areas to ensure that a number of interrelated and comprehensive objectives are efficiently met.

The collected water quality data is used to:

- Determine attainment or non-attainment of water quality standards for 303(d) assessments.
- Show status and trends for key pollutants for 305(b) report.
- Support TMDL development efforts.
- Identify point source pollution problems and assist in NPDES permit reviews.
- Identify nonpoint source pollution problems
- Document water quality success stories (i.e. WQ10 and SP12 waters).
- Refine and enhance the state's surface water quality standards.

Additionally, data may be collected to evaluate the appropriateness and effectiveness of BMPs implemented through the 319 program in response to integrated report listings and TMDL development. Specifically, New Mexico is nominating specific waterbodies which did not meet standards in 2002, where water quality has improved at least in part due to application of watershed approaches to water quality improvement, for recognition as program successes under EPA Strategic Plan measures SP-12 and WQ-10. This effort is primarily supported under the Clean Water Act Section 319 program, but Monitoring and Assessment staff may assist with data collection necessary to document these successes under the CWA Section 106 program.

Intensive Water Quality Surveys are conducted in accordance with the statewide *Water Quality Monitoring Strategy*. The validity of all environmental measurements is ensured by adherence

to procedures provided in the *Quality Management Plan for Water Quality Management Programs* (QMP), the *Quality Assurance Project Plan for Water Quality Management Programs* (QAPP) and *SWQB Standard Operating Procedures for Data Collection* (SOPs). Core activities for intensive water quality surveys include:

Aquatic Biology: includes analysis and assessment of fish, algal/periphyton, and aquatic macroinvertebrate communities, and aquatic and riparian habitats of streams, rivers and lakes. These efforts also include the development of monitoring and assessment protocols for classification of the State's surface waters, criteria development and the bioassessment. *[Please note that, while NMED considers this to be a core part of our monitoring activities these activities are funded exclusively with 106 supplemental monitoring funds. An increase in 106 base funds would be necessary for these activities to formally be included as part of this work plan.]*

Water Chemistry: includes the design and implementation of water quality surveys for chemical, physical, bacteriological, and radiological characteristics in New Mexico's streams, rivers and lakes.

Physical Habitat: includes stream fluvial geomorphology and riparian measurements performed using standardized methods to evaluate stream bottom sediments, bed stability, biological habitat, and baseline stream data for criteria development and refinement and for monitoring change in a stream/river reach over time.

Lake Surveys: Lakes located in surveyed watersheds are monitored concurrently with stream surveys. Lake monitoring includes depth profiles, chemical analyses, and phytoplankton and diatom community composition identifications by contractor labs. *[Please note that, the lake biological data collection efforts are funded exclusively with 106 supplemental monitoring funds.]*

Water quality survey summaries are prepared presenting sampling station locations, methods, summary of water quality data collected, salient results of surveys, and other information needed for inclusion in the Integrated CWA 303(d)/305(b) Report. Survey summaries are developed for each watershed stream survey and compiled in a collective format for lakes. SWQB submits the survey summaries to EPA Region 6 and posts them on the Bureau's website.

The SWQB maintains an extensive database generated by input from the teams within the Monitoring and Assessment Section as well as those of the Watershed Protection and Point Source Regulation sections. SWQB uploads data into the U.S. Environmental Protection Agency water quality WQX/STORET database after staff have completed the verification and validation steps outlined in the approved SWQB Quality Assurance Project Plan (QAPP).

Other monitoring obligations include conducting short-term investigations in response to citizen complaints, fish kills, accidental spills, illegal discharges and other emergencies; and preparing retrievals of stored data when requested. The SWQB operates under legal authorities from the New Mexico Water Quality Act (WQA) and the federal Clean Water Act (CWA) and their attendant rules and regulations.

Outputs

1. Complete water quality surveys of selected watersheds in accordance with Attachment 2 and as described above.
 - Complete Gila/San Francisco, Rio Puerco/Little Colorado Surveys– November 2011
 - Complete Lower Rio Grande Survey – June 2012
 - Initiate Rio Chama and the Sacramento Mountains surveys– June 2012
2. Update the internal SWQB water quality database (NMEDAS) on a bimonthly basis and STORET/WQX annually. See Table 1 for summary of expected STORET/WQX uploads during FY12.
3. Prepare survey summaries for submittal to EPA and posting on the SWQB web site within 18 months of survey completion. This length of time is required to ensure all lab data has been returned and entered into the database (6-8 months); data has been QA and verified and validated (1-2 months); time to write the survey report (3-6 months mainly depended on staff availability) and internal review (1-2 months). See Table 2 for survey reports to be completed during FY12.
4. Evaluate survey data against most recent SWQB assessment protocols. See section 1.3.1 for more details on this task.
5. Annual review of State Monitoring Strategy and update as changes are deemed necessary by the end of the state fiscal year.

Table 1. Pending data uploads to EPA national database for FY12 and FY13

Survey	Year	Verification and Validation Process Complete?	Date field and lab data uploaded to EPA
Upper Pecos	2010	YES	10/11/2011
San Juan	2010	YES	8/26/2011
Lakes	2010	YES	9/1/2011
Gila/San Francisco	2011	Started	estimated August 2012
Rio Puerco/Little Colorado	2011	Started	estimated September 2012
Lakes	2011	Yes	estimated August 2012
Lower Rio Grande	2011-2012	Started	estimated October 2012

Table 2. Pending Water Quality Survey Reports for FY12-FY13.

Basin	Survey Year	Target Completion Date
Valle Vidal	2006	Done - Jul-11
Mimbres	2009	Done - Jul-11
Lakes	2009	Done - Jul-11
Upper Rio Grande	2009	Done - Jan-12
Upper Pecos	2010	in progress – August 12
San Juan	2010	in progress – August 12
		<i>no report planned will be combined with stream surveys to generate a watershed report</i>
Lakes	2010	

UPDATE July - December 2011:

Four water quality surveys were in progress during this reporting period: Gila/San Francisco, Rio Puerco/Zuni, Lower Rio Grande and Lakes. During this reporting period we completed all but the Lower Rio Grande were completed in November. Work included completed the remaining ~4 of 8 planned chemical sampling events for these surveys (the other four were completed in the previous reporting period) and collection of habitat and biological data as detailed and funded under the 106 supplemental grant application.

Highlights of the 2011 surveys include:

- **Nearly 110 sampling sites (includes permitted discharges) were surveyed roughly monthly from March thru October 2010**
- **A total of 5 lakes were surveyed, 3 in the Gila/San Francisco and 2 in the Rio Puerco/Zuni**
- **Approximately 30 of these sites were sampled for biological (macro invertebrate, 15 sites for fish) and habitat monitoring in late summer 2011 – details of this sampling are reported in the FY11 106 supplemental work plan**

The collection of data for these surveys were guided by our completely updated and revised SOPs and field data forms – which can all be found at the following website: <http://www.nmenv.state.nm.us/swqb/SOP/index.html>

During this reporting period the remaining survey report from 2009 was completed and one of the 2010 survey reports has started to be developed (see Table 2 for details. Please note that SWQB is changing the format of these reports starting in 2010 and providing watershed based reports that integrate the results from the lake and reservoir surveys and the stream and river surveys. In 2012 we are going one step further and integrating all sampling in one watershed under one FSP and Project.

Water Quality reports are provided as a deliverable to EPA in the attachments folders. As always, completed reports are made available to the public via our website: <http://www.nmenv.state.nm.us/swqb/MAS/>.

UPDATE January - June 2012:

Three water quality surveys were in progress during this reporting period: Lower Rio Grande, Rio Chama, and Sacramento Mountains. During this reporting period the final, planned chemical sampling events for the Lower Rio Grande survey were completed.

Highlights of the 2012 Rio Chama and Sacramento Mountain surveys include:

- **111 sampling locations**
- **58 stream/river sites and 6 lakes in the Rio Chama and 38 stream sites and 3 lakes in the Sacramento Mountains – includes permitted discharges – are being monitored monthly or bimonthly**

- 275 sampling events have occurred, thus far, resulting in approximately 240 total nutrient samples, 85 Level 1 nutrient surveys and assessments, 225 E. coli samples, and 165 total and dissolved metals samples.
- Biological (benthic macroinvertebrate, periphyton chlorophyll a, fish) and physical habitat monitoring is currently being planned for the fall biological index period (August 15 – November 15) – details of these sampling events will be reported in the FY12 106 supplemental work plan.

The collection of data for these surveys is guided by our SOPs and field data forms. During this reporting period the Sonde Calibration and Maintenance, Sonde Deployment, Chemical Sampling, Periphyton Sampling, and Lake Sampling SOPs were revised. The Physical Habitat, Nutrient Survey and Sampling, Benthic Macroinvertebrates, and Fish Community Sampling SOPs are currently being reviewed in anticipation for SWQB's fall biological index period. The most current versions can be found at: <http://www.nmenv.state.nm.us/swqb/SOP/index.html>.

The 2010 San Juan Watershed survey report currently is undergoing a final review and the 2010 Upper Pecos Watershed survey report has been drafted and is under internal review (see Table 2 for details). Please note that SWQB changed the format of these reports and is now providing watershed-based reports that integrate the results from the lake and reservoir surveys with the stream and river surveys. For the current survey year (2012) we are going one step further and integrating all sampling (streams and lakes) in one watershed under one FSP and one project.

The 2010 Water Quality survey reports will be provided as a deliverable to EPA in the next reporting period. As always, completed reports are made available to the public via our website: <http://www.nmenv.state.nm.us/swqb/MAS/>.

1.3 Impaired Waters and TMDLs

1.3.1 Water Quality Assessment and Development of Integrated §303(d)/305(b) Report and List of Impaired Waters

Assessment protocol and impairment listing development tasks include preparing, maintaining and revising chemical, physical and biological assessment protocols, assessment of chemical, physical and biological data to identify impaired waters, and development of the biennial Integrated §303(d)/ 305(b) Report and List of Impaired Waters (Integrated Report / List), and maintaining the Assessment Database (ADB) and Administrative Record related to impairment listings.

1.3.2 TMDL Development

TMDL development includes integrating data from a variety of sources and preparing TMDL plans for impaired waters. The TMDL process includes review of the adequacy and significance of water quality and other supporting data, review of the effectiveness of existing water quality protection and pollution control measures, evaluation of existing management strategies, and incorporation of new water quality management implementation strategies. NMED was operating under a 1997 consent decree stemming from EPA's settlement of the Forest Guardians, et al. v. Browner lawsuit (Civ. 96-0826 LH). The consent decree set forth a ten-year

schedule for developing TMDLs for waters included on the CWA Section 303(d) List of Impaired Waters. A separate settlement agreement between EPA and Forest Guardians/Southwest Environmental Law Center outlines requirements to address all remaining impairments from the 1996 CWA 303(d) List of Impaired Waters. The final TMDL required under the Consent Decree was approved by the NM Water Quality Control Commission on November 14, 2006 and approved by EPA R6 on August 10, 2007. NM has seven waterbody-pollutant pairs remaining under the Settlement Agreement that must be addressed through TMDLs or other appropriate measures prior to 2017.

SWQB's ongoing TMDL development activities will continue to be guided by a 1997 Settlement Agreement between EPA and Forest Guardians, wasteload allocations required for NPDES permits, and other projects that help the state attain standards in impaired waterbodies. The comprehensive nature of TMDL development affects all aspects of SWQB activities, including NPDES and standards programs funded under this grant and watershed protection activities funded through the 319 program. This activity is supported through a combination of CWA §604(b) and §106 funds; details of the funding source for each TMDL is provided in the Table 3 below.

Outputs

1. FY12 - Integrated §303(d)/ 305(b) Report and List of Impaired Waters
 - Final §303(d)/ 305(b) report sent to EPA by April 1, 2012, pending Water Quality Control Commission approval at the March 2012 meeting.
2. SWQB cannot specify the specific FY12 TMDLs at this time as the TMDLs will be based on recently completed surveys in the Upper Rio Grande and Mimbres basins that are currently being assessed. New Mexico's PACE number for FY12 is anticipated to be ~30 based on communication with EPA. As such New Mexico will submit in ~October 2011 for EPA review a list of ~35 waterbody-pollutant pairs from the Upper Rio Grande and Mimbres basins to be developed during this period. Note that TMDL efforts are funded jointly through 604b and 106 funds and the funding source for specific pollutant-waterbody pairs will be specified SWQB's submission to EPA.
3. SWQB is also collecting the necessary data collected in 2012 to complete the Rio Peñasco and Tularosa River TMDLs or undertake UAAs as necessary. These TMDLs include a TMDL for sedimentation for Rio Penasco (Hwy 24 to headwaters) and a temperature TMDL for Dog Canyon (Tularosa Creek to headwaters) and an E. coli TMDL for Three Rivers (USFS boundary to headwaters) in the Tularosa Closed Basin. The E. coli and sedimentation TMDLs were the two TMDLs that EPA R6 agreed to write for SWQB in 2007.

UPDATE July - December 2011 for 303d/305b Report:

During this reporting period, a public comment review draft of the 2012 Integrated List was developed and released for public comment. Steps in this process included:

- ***Completed assessment and assessment verification of recent available data using current WQS and revised Assessment Protocols (which were***

developed and made available for public comment during the last reporting period)

- *Updated New Mexico's assessment database (ADB) with assessment conclusions to generate a pre-public draft list for SWQB staff and EPA Region 6 review*
- *Updated supplemental Record of Decision (ROD) to assist review of pre-public draft list*
- *Presented pre-public draft list and ROD to SWQB staff as requested*
- *Based on staff and EPA pre-review, finalized public draft list, ROD, and review spreadsheets. Posted all to SWQB web site at: <http://www.nmenv.state.nm.us/swqb/303d-305b/2012-2014/>.*
- *Set up public notices in the legal section of several major newspapers around the state, as well as several smaller papers in watersheds of focus for this listing cycle.*
- *Opened the draft list on December 15, 2011, for 45-day public comment period.*
- *All documents referenced above can be found in the deliverables and on SWQB website at <http://www.nmenv.state.nm.us/swqb/303d-305b/2012-2014/>*

UPDATE July - December 2011 TMDLs:

Please note only nutrient TMDLs are funded under the 106 program. Other TMDLs are funded through the 604b grant program. The updated table below provides details on the TMDLs that have been drafted, revised or approved during this reporting period.

SWQB received EPA R6 approval of the Rio Chama TMDLs on August 18, 2011. Staff coordinated with the Bureau webmaster to have the Final EPA-Approved TMDL and EPA approval letter posted to the SWQB website. <http://www.nmenv.state.nm.us/swqb/Chama/Pt2/index.html> The final draft Waters of the Valle Vidal TMDL was submitted for NM WQCC approval on September 13, 2011. The WQCC requested a few editorial changes be corrected before their final approval. The corrections were made and the final approval was again requested by SWQB on September 26, 2011. The WQCC approved the TMDL on September 30, 2011 and the WQCC-Approved Draft was submitted to EPA R6 for final approval on October 3, 2011. SWQB received EPA R6 approval on November 8, 2011. Staff coordinated with the Bureau webmaster to have the Final EPA-Approved TMDL and EPA approval letter posted to the SWQB website. <http://www.nmenv.state.nm.us/swqb/ValleVidal/>

Watershed	AU_ID	AU	FY 2011 TMDL Parameter	No. of TMDLs	Status
Chama	NM-2116.A_030	Canjilon Ck (Perennial portions Abiquiu Rsrsv to headwaters)	nutrients, temp, sp cond	2	WQCC approved 7/2011
Chama	NM-2116.A_041	Rio Capulin (Rio Gallina to headwaters)	E.coli	1	WQCC approved 7/2011
Chama	NM-2116.A_000	Rio Chama (El Vado Reservoir to Rio Brazos)	E.coli, nutrients, temp	4	WQCC approved 7/2011
Chama	NM-	Rio Chama (Little Willow Creek to CO	E.coli, temperature	2	WQCC

	2116.A_002	border)			approved 7/2011 WQCC
Chama	NM-2116.A_001	Rio Chama (Rio Brazos to Little Willow Creek)	E.coli, nutrients	3	approved 7/2011 WQCC
Chama	NM-2116.A_110	Rio Chamita (Rio Chama to CO border)	E.coli, nutrients	3	approved 7/2011 WQCC
Chama	NM-2115_20	Rio Puerco de Chama (Abiquiu Reservoir to HWY 96)	E.coli, nutrients , temperature	2	approved 7/2011 WQCC
Chama	NM-2113_30	Rio Tusas (Rio Vallecitos to headwaters)	nutrients	2	approved 7/2011 WQCC
Valle Vidal	NM-2120.A_835	Gold Creek (Comanche Creek to headwaters)	Temp	1	approved 11/2011 WQCC
Valle Vidal	NM-2120.A_837	Holman Creek (Comanche Creek to headwaters)	Temp	1	approved 11/2011 WQCC
Valle Vidal	NM-2120.A_839	LaBelle Creek (Comanche Creek to headwaters)	Temp	1	approved 11/2011 WQCC
Valle Vidal	NM-2306.A_112	McCrystal Creek (North Ponil to headwaters)	Temp	1	approved 11/2011 WQCC
Valle Vidal	NM-2306.A_124	Middle Ponil Creek (Greenwood Creek to headwaters)	Nutrients	2	approved 11/2011 WQCC
Valle Vidal	NM-2306.A_162	North Ponil Creek (Seally Canyon to headwaters)	Ra-226+228 ; Temp	1	approved 11/2011 WQCC
Canadian	NM-2305.A_254	Uña de Gato Creek (Chicorica Creek to HWY 64)	Nutrients	2	approved 11/2011 WQCC
Canadian	NM-2305.A_030	Uña de Gato Creek (HWY 64 to headwaters)	Nutrients	2	approved 11/2011 WQCC
Canadian	NM-2305.A_000	Canadian River (Conchas River to Mora River)	E.coli	1	approved 11/2011 WQCC
Total				31	

TMDLs in **red** were originally submitted to EPA in August 2010 as part of FFY2011 TMDLs to be completed, but the 2 nutrient TMDLs were unnecessary due to delisting and SWQB will not pursue the Ra-226+228 TMDLs for North Ponil Creek.

TMDLs in **blue** were added to compensate for the TMDLs in red that were removed from the FFY2011 plans.

Please see the semiannual report for the 604b program for additional details as well as copies of deliverables associated with this task. These TMDLs can also be found at the following locations on our website:

<http://www.nmenv.state.nm.us/swqb/Chama/Pt2/index.html>

<http://www.nmenv.state.nm.us/swqb/Canadian/Pt2/index.html>

<http://www.nmenv.state.nm.us/swqb/ValleVidal/>

UPDATE January – June 2012 for 303d/305b Report:

The 45-day public comment period for the draft 2012-2014 Integrated Report ended on January 30, 2012. Public notices were published in the legal notices section of major newspapers around the state, including the Albuquerque Journal, Santa Fe New Mexican, Las Cruces Sun, Silver City Daily Press, Taos New, and Farmington Daily Times. The notices were also posted to the Bureau's website and sent to the Bureau's statewide e-mail list.

SWQB received a total of 18 public comments and prepared the final draft Integrated Report and a Response to Comments, responding in writing to each comment received (see Appendix C of the Report). The 2012-2014 State of New Mexico Clean Water Act §303(d)/§305(b) Integrated Report, as amended, was approved by the New Mexico Water Quality Control Commission (WQCC) on March 13, 2012 and submitted to EPA for approval before the April 1st deadline!.

The WQCC-Approved Final Report was approved by the U.S. Environmental Protection Agency on May 8, 2012. The Report and the associated Record of Decision are available at: <http://www.nmenv.state.nm.us/swqb/303d-305b/2012-2014/>.

UPDATE January – June 2012 TMDLs:

No TMDLs were completed during this reporting period due to the fact that our TMDL program was short one full-time TMDL writer (1.0 FTE). The TMDL position was advertised during this reporting period and interviews were conducted May 23-24, 2012. An offer was made on June 20, 2012. The new hire will start work on August 20, 2012 at which time we should be able to “get back on track” with regards to TMDL development.

1.4 Database Management

SWQB maintains an in-house water quality database (NMEAS) to store all field measurements, laboratory analytical results and biological monitoring data. This database system is designed to work with WQX (Water Quality eXchange) through a “node” streamlining data uploads.

Data management and reporting support tasks include upgrading and maintaining SWQB's in-house database, and uploading of SWQB ambient water data and effluent monitoring data into WQX/STORET.

Outputs

1. Update and maintain bureau databases and establish methods to ensure proper input, controls and oversight of SWQB data.
2. Import new laboratory results data to NMEDAS database.

3. Upload data exports from NMEDAS to WQX/STORET See Table 1 for estimated upload dates.
4. Consult with program staff and management to identify data management problems and constraints. Develop and implement solutions.
5. Provide training to ensure data and associated QA documentation are entered properly.

UPDATE July - December 2011:

1. ***NMEDAS is now fully functional for chemical and biological data. Methods have been developed to QA lab chemical data before upload to ensure that reporting is complete and consistent.***
2. ***Data uploads of chemical and biological data have been completed in a timely manner – any issues in data reporting etc have been quickly addressed by the contact labs or SWQB staff as requires. In general this process is working very efficiently at this time.***
3. ***WQX data uploads have been completed for three projects as anticipated – WQX Processing reports and XML upload files are included in the deliverables. Dates of completion of data verification and validation and WQX upload are provided below:***
 - a. San Juan River Project - All data VV'd 7/27/2011. Data submitted to WQX 8/26/2011
 - b. Upper Pecos River - All data VV'd 8/28/2011. Data submitted to WQX 10/11/2011.
 - c. Lake and Reservoir Project - All data VV'd 7/28/2011. Data submitted to WQX 9/1/2011.
4. Database bugs and enhancement requests are tracked by the program manager and implemented as funding allows (see 106 supplemental report for details). Staff training is provided as needed and when new features are developed.

UPDATE January – June 2012:

1. ***Methods have been developed to QA lab data before upload to ensure that reporting is complete and consistent. These methods are in need of revision as new reports and tools are developed to speed this process – the QA officer is tracking these issues and a revised “VV” SOP is planned***
2. ***Data uploads of chemical and biological data have been completed in a timely manner – any issues in data reporting etc have been quickly addressed by the contact labs or SWQB staff as requires. In general this process is working very efficiently at this time.***

3. ***No WQX data uploads were processed during this period – we expect to upload the 2011 survey data during the next period once the data VV process is complete***
4. **Database bugs and enhancement requests are tracked by the program manager and implemented as funding allows (see 106 supplemental report for details). Staff training is provided as needed and when new features are developed.**

1.5 Nutrient Assessment and Criteria Development

Plant nutrients are the second leading cause of impairment for New Mexico Waters. Plant nutrients are essential for proper functioning of ecosystems. However, excess nutrients cause conditions unfavorable for the proper functioning of aquatic ecosystems. Unfortunately, the magnitude of nutrient concentration that constitutes “excess” is difficult to determine. As such SWQB employs a weight-of-evidence approach that examines both cause and response variables. Current tasks focus on updating New Mexico’s approach to Nutrient Criteria Development and conducting nutrient assessment of Wadeable streams.

Outputs

1. Update of the *Nutrient Criteria Development Plan*.
2. Conduct Nutrient Level 1 assessment at all Wadeable stream sites monitored during the year’s water quality surveys (~50 sites per year).
3. Conduct Nutrient Level 2 assessment at those sites which fail the level 1 assessment based on elevated TN/TP, presences of elevated algae/ macrophytes, or dissolved oxygen saturation or anoxic (~10 sites per year).

UPDATE July - December 2011: Level 1 nutrient assessments were performed for ~50 stream assessment units (an excel file with the list is provided as a deliverable). Based on the results of this assessment Level 2 surveys were performed at ~25 sites (an excel file with the list is provided as a deliverable).

Update of the Nutrient Criteria Development Plan has not yet started.

UPDATE January – June 2012:

Nutrient criteria development plans have served as road maps for outlining the process states use to develop numeric nutrient criteria; however the schedule and milestones within the plans need to be updated periodically to accurately reflect any progress the state has made. Related to this need, EPA established guidelines for Program Activity Measures (PAMs) which relate to a phased criteria development process with the long-term goal of developing numeric nutrient criteria for total nitrogen and total phosphorus for all water body types in the state. Within this goal, EPA has requested that states provide target and completion dates for the following activities for each water body type:

1. Planning for criteria development

2. Collection of information and data
3. Analysis of information and data
4. Proposal of criteria (related to measure WQ-1c)
5. Adoption of criteria into the water quality standards (related to measure WQ-26)

New Mexico's *Nutrient Criteria Development Plan* was recently updated and transformed into a more comprehensive document known as the *State of New Mexico Nutrient Reduction Strategy (Strategy)* that addresses EPA's request for each state's "road map" towards numeric nutrient criteria development (see #1-5 above). The *Strategy* has been emailed to contacts at EPA Region 6 and is included as a deliverable for this grant.

Level 1 nutrient assessments were performed for ~55 stream assessment units in the 2012 water quality surveys. Based on the results of these assessments Level 2 nutrient surveys are being planned during NM's biological index period (Aug 15 – Nov 15) at approximately 25 sites. An excel file with the list of Level 1 assessments and sites scheduled for Level 2 surveys ("high" and "medium" priority) for each survey is provided as a deliverable.

1.6 Supplemental Monitoring and Assessment Activities

New Mexico has received supplemental awards of CWA 106 funds which were used for monitoring and assessment activities. The activities were covered under separate work plans. Should additional funds become available, SWQB will submit separate and detailed work plans to address the proposed activities.

UPDATE July - December 2011: SWQB submitted a separate work plan and will report updates on these activities separately.

UPDATE January – June 2012: SWQB submitted a separate work plan and will report updates on these activities separately.

2.0 PERMITS, ENFORCEMENT AND COMPLIANCE (7.5 FTEs – 7.0 Compliance Evaluation and State Certification; 0.5 Net DMR Outreach)

2.1 Introduction

The overarching goal of the SWQB's point source regulation activities is to protect public health and the environment. This goal is achieved by assuring that regulated point source discharges to surface waters of the State comply with appropriate State and federal statutes and regulations through compliance assistance, inspection and enforcement activities, and by reviewing proposed federal NPDES permits (CWA section 402 permits) for State certification to ensure that permit provisions are consistent with appropriate state law, implement the state Water Quality Management Plan and are adequate to protect the state's water quality standards. These duties are carried out in cooperation with EPA, currently the primary agency responsible for enforcing and administering NPDES permits in New Mexico.

It is anticipated that SWQB will continue to meet on a periodic basis with the EPA permits and

enforcement staff to refine procedures to facilitate the NPDES permitting process and to discuss permitting and enforcement activities. An “NPDES Permitting Process and Coordination with State” flow chart has been developed and implemented. As a non-delegated state, SWQB works with EPA Region 6 to help ensure that EPA is able to complete its share of the following federal Performance Activity Measure commitments each year:

Related EPA Priority Performance Activity Measures (from FY11 National Water Program Guidance)

WQ-12a	Percent of non-Tribal facilities covered by NPDES permits that are considered current.
WQ-13a, b, c and d	Number, and national percent, of (a) MS-4s covered under either an individual or general permit, (b) number of facilities covered under either an individual or general industrial storm water permit, (c) number of sites covered under either an individual or general construction storm water site permit, and (d) number of facilities covered under either an individual or general CAFO permit.
WQ-15b	Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year.

As time and resources allow, in order to increase the skill levels of staff in support of commitments under the 106 work plan, NMED staff will attend various conferences and other training opportunities such as the National Storm Water Coordinators Conference, Region 6 Pretreatment Conference, Region 6 Annual NPDES Inspector Training Workshop, and Region 6 MS4 Operators Conference.

2.2 Compliance Evaluation

The primary purpose of the compliance evaluation program is to evaluate compliance with effluent limitations and other NPDES permit conditions. The information derived from this program is also applied to the interpretation of water quality trends and to other evaluation and planning functions as well as other water pollution control programs. Compliance evaluation may also include providing compliance assistance, not associated with compliance inspections, to the regulated community to reduce violations and improve compliance with all aspects of the permit/regulatory program.

SWQB has developed industrial and municipal inspection priority lists to best utilize available staff resources and, in coordination with EPA, to inspect selected municipalities and industries each year in an equitable and non-duplicative manner. To the extent practicable, SWQB inspection priorities will accommodate the current EPA inspection targeting goals. Multi-media inspection opportunities will be identified whenever possible.

A selected number of major and minor municipal and industrial dischargers are inspected annually, with sampling as necessary to ensure compliance with applicable effluent limitations, permit conditions, and state regulations and standards. The inspections are carried out in accordance with the EPA NPDES Compliance Inspection Manual (EPA 305-X-03-004, July 2004 or Region 6 current version) using current, approved EPA forms and checklists. The data collected as part of the NPDES compliance inspection program are used in compliance evaluation and in support of State or federal enforcement and permitting activities. Compliance inspections done by SWQB are also addressed in the SWQB QAPP.

The EPA has long recognized the SWQB inspectors as authorized representatives (pursuant to CWA §308(4)(B)) to perform compliance inspections on behalf of EPA. Historically, the EPA did not issue federal inspector credentials to the State's inspectors; rather State inspectors presented their state issued credential to initiate NPDES inspections. In 2007, EPA determined it is appropriate to authorize state inspectors more formally through a Federal Inspector Credential Authorization Agreement. The agreement serves as a guideline for the process and requirements for inspector certification as well as the performance of NPDES inspections done by the SWQB. Funding from this grant agreement will be used to support meeting the goals/needs of the Inspector Credential Authorization (e.g., training and record keeping).

Compliance Evaluation Inspections (CEIs):

- assess the adequacy of permittee's self-monitoring program;
- check records, laboratory procedures, flow measurements, O & M, and sampling procedures;
- review and document physical treatment facility condition;
- as appropriate, assess ancillary facilities such as sludge disposal areas, and lift stations/collection systems;
- give guidance and advice on NPDES requirements; and
- observe the status of NPDES-related construction.

Compliance sampling inspections (CSIs):

- include performance of all aspects of a CEI (see bulleted items above)
- collect representative samples of the effluent in accordance with the EPA approved Quality Assurance Project Plan for Water Quality Management Programs.
- sample data transferred to STORET

Concentrated Animal Feeding Operations (CAFOs): SWQB will coordinate with EPA to conduct NPDES related inspections on an as needed basis, and coordinate with other state and federal agencies, learning institutions, and industry representatives on the CAFO program.

Storm Water: SWQB will continue to conduct numerous NPDES storm water compliance inspections, provide programmatic information to the regulated community and the public, and coordinate extensively with the EPA Region 6 permitting and enforcement staff. Section staff routinely answer numerous inquiries regarding the program. Section staff are able to provide locally accessible programmatic information to the regulated community thus promoting compliance.

Outputs

1. Conduct compliance evaluation inspections (CEIs) and compliance sampling inspections (CSIs) of selected industrial and municipal NPDES permittees. Inspect a minimum of 10 permittees determined through coordination between the EPA Compliance Assurance and Enforcement Division and SWQB. Facilities may be "majors" or "minors" that assist EPA in meeting core NPDES program inspection frequency goals.
2. Conduct a minimum of 10 storm water inspections annually.

3. SWQB may conduct CAFO inspections on an as needed basis.
4. Summarize inspection information on the appropriate EPA NPDES compliance inspection report form(s) and forward the report to the EPA Enforcement Branch with a copy to the permittee, the appropriate NMED District Office, and the EPA Permits Branch upon request, within 30 days of completion of the inspection.
5. Attend one pretreatment program audit conducted by EPA staff or EPA contractors.
6. If EPA conducts an audit/inspection of the Albuquerque MS4 permit, NMED will assist/participate in the audit.

OUTPUT 1 – CEI/CSI Inspections

July 1, 2011 – December 31, 2011 NPDES Inspections Completed

<i>Santa Fe WWTP*</i>	<i>NM0022292</i>	<i>CEI</i>
<i>Sunland Park WWTP*</i>	<i>NM0029483</i>	<i>CEI</i>
<i>DAC South Central WWTP*</i>	<i>NM0030490</i>	<i>CEI</i>
<i>Cuba</i>	<i>NM0024848</i>	<i>CEI</i>
<i>Hatch</i>	<i>NM0020010</i>	<i>CEI</i>
<i>Anthony W&SD</i>	<i>NM0029629</i>	<i>CEI</i>
<i>Cimarron WWTP</i>	<i>NM0031038</i>	<i>CEI</i>
<i>LAC Minerals</i>	<i>NM0028711</i>	<i>CEI</i>
<i>Strathmore Roca Honda</i>	<i>NM0031020</i>	<i>CEI</i>
<i>Jemez Springs</i>	<i>NM0028011</i>	<i>CEI</i>
<i>PNM – Reeves Station</i>	<i>NM0000124</i>	<i>CEI</i>
<i>Los Alamos, Dept of Public Utilities</i>	<i>NMU001775</i>	<i>CEI</i>

Total July 1 - December 31, 2011 = 12

Majors = 3

**** = Majors***

January 1, 2012 – June 30, 2012 NPDES Inspections Completed

<i>Bloomfield WWTP*</i>	<i>NM0020770</i>	<i>CEI</i>
<i>Farmington WWTP*</i>	<i>NM0020583</i>	<i>CEI</i>
<i>Gallup WWTP*</i>	<i>NM0020672</i>	<i>CEI</i>
<i>Rio Rancho #2*</i>	<i>NM0027987</i>	<i>CEI</i>
<i>Silver City WWTP*</i>	<i>NM0020109</i>	<i>CEI</i>
<i>Taos Ski Valley*</i>	<i>NM0022101</i>	<i>CEI</i>
<i>Sandia Peak Ski Company</i>	<i>NM0027863</i>	<i>CEI</i>
<i>GCC Rio Grande, Inc.</i>	<i>NM0000116</i>	<i>CEI</i>
<i>Aztec WTP</i>	<i>NM0028762</i>	<i>CEI</i>
<i>Delta-Person</i>	<i>NM0030376</i>	<i>CEI</i>
<i>PNM – Person</i>	<i>NM0030384</i>	<i>CEI</i>
<i>LANS/DOE Storm Water</i>	<i>NM0030759</i>	<i>CEI</i>
<i>Abiquiu MDWCA WWTP</i>	<i>NM0024830</i>	<i>CEI</i>
<i>LA County – White Rock</i>	<i>NM0020133</i>	<i>CEI</i>
<i>Santa Fe County, Valle Vista MHP</i>	<i>NM0028614</i>	<i>CEI</i>

Los Lunas	NM0020303	CEI
Angel Fire WWTP	NM0030503	CEI
NM Parks & Rec. – Elephant Butte	NM0024937	CEI
Ranchland Utilities	NM0030368	CEI
Seven Springs Fish Hatchery	NM0030112	CEI
Los Ojos Fish Hatchery	NM0030139	CEI
Harper Valley Subdivision	NM0029025	CEI
New Mexico Water Serv. – Rio Comm.	NM0027782	CEI
New Mexico Water Serv. – Rio del Oro	NM0030414	CEI

Total January 1 - June 30, 2012 = 24 **Majors = 6**
*** = Majors**

Total CEI/CSI Inspections in FY 2012 = 36 **Majors = 9**

OUTPUT 2 – Storm Water Inspections

July 1, 2011 – December 31, 2011 NPDES Inspections Completed

Joe Miller Property	NMU0001742
DE Ready Mix, Inc.	NMU001748
LAC Minerals	NMR05GK12
HB Construction of Alb., Inc.	NMR10H908
Taos Municipal School District	NMU001749
Taos Municipal School District	NMU001755
Wayne Rutherford General Contractor, Inc.	NMU001756
Silva's Excavation, Inc.	NMU001757
The Boneyard	NMR05G825
Gallegos Scrap Metal	NMR05GG10
DTT Sand & Gravel, Inc.	NMR05GZ28
The Crossing, LTD. CO.	NMR15G093
Enviroworks, LLC	NMR15FD35
Beckner Road Equities, Inc.	NMR10GR54
T L C Company, Inc.	NMR10GB25
Enviroworks, LLC	NMR10HC47
Amador Complete Recycling Inc.	NMR05H252
A-1 Quality Sand & Gravel	NMR05GJ85
A-1 Quality Asphalt Plant	NMR05GE92
A-1 Quality Redi-Mix	NMR05GE93
Galbreth Land Development Co LLC	NMU001721
WH Moore Cash Lumber, LLC	NMU001731
Advantage Asphalt and Seal Coating	NMR10HH23
Advantage Asphalt and Seal Coating	NMR10HI44
Infinite Ambitions LLC	NMU001764
Tierra Vista Investments LLC	NMU001765
La Tierra Interiors Inc.	NMU001766
Belen Alexander Municipal Airport	NMR05GV27
Cemco, Inc.	NMU001773
Tabet Concrete, LLC	NMU001774
Holly Asphalt Company	NMR05GF17
Wise Recycling	NMR05GF35
Expo NM sMS4	NMU001779

**Omar's Recycling
Rojas Metals**

**NMU001781
NMU001782**

Total July 1 - December 31, 2011 = 35

January 1, 2012 – June 30, 2012 NPDES Inspections Completed

Amado Recycling	NMU001783
Les File Drywall	NMR10HK37
South Valley Metals	MNU001784
Gold Metal Recyclers	NMR05H613
American Metals Recycling	NMU001785
Los Alamos County	NMR10HN55
Gerald Martin	NMR10HK75
Los Alamos County	NMR10HM32
Jaynes Corporation	NMR10HI95
MSCI - W College Blvd Extension	NMR10HJ45
City of Roswell - W College Blvd Extension	NMR10HJ71
Calvin and Darcy Pareo	NMU001787
Humphrey Brothers	NMU001788
RMCI, Inc	NMR10HM97
City of Bernalillo - Camino Don Tomas Phase II	NMU001789
City of Albuquerque - DMD	NMR10HN13
David Montoya Construction Inc.	NMR10HM54
New Mexico Department of Transportation	NMR10HC66
El Terrero Construction, LLC	NMR10HC11
Truth or Consequences, City of	NMU001792
Tri-State Care Flight, LLC	NMU001793
St Cloud Mining Company	NMR05GA95
Southwest Cheese	NMU001790
Dairi Concepts	NMU001791
Morningstar Minerals Corporation	NMR05HG37
Team Fishel	NMU001795
ENMR Telephone Cooperative, Inc.	NMU001794
Charter Homes	NMR15F233
Charter Homes	NMR15ER08
AUI, Inc. NMR12A184	
City of Albuquerque - DMD	NMR12A268

Total January 1 - June 30, 2012 = 31

Total Storm Water Inspections in FY 2012 = 66

OUTPUT 3 – CAFO Inspections

July 1, 2011 – December 31, 2011 NPDES Inspections Completed	
Expo NM	NMU001778

Total July 1 - December 31, 2011 = 1

January 1, 2012 – June 30, 2012 NPDES Inspections Completed

Total January 1 - June 30, 2012 = 0

Total CAFO Inspections in FY 2012 = 1

OUTPUT 4 – Inspection Reports Completed

All inspection reports have been forwarded to EPA and the permittee within 30 days of completion of the inspection except for two that were sent within 37 and 50 days respectively. SWQB has taken steps to avoid a repetition of these delays in the future. These reports are available from several internal EPA Region 6 sources and are posted on the SWQB website at <http://www.nmenv.state.nm.us/swqb/NPDES/Inspections/>

Total July 1 - December 31, 2011 = 49

Total January 1 - June 30, 2012 = 55

Total Inspection Reports in FY 2012 = 104

OUTPUT 5 – Attend One Pretreatment Program Audit Conducted by EPA Staff or EPA Contractors.

No pretreatment program audits have been conducted by EPA to date. However, SWQB conducted one pretreatment inspection on behalf of EPA.

**Albuquerque Bernalillo County Water Utility Authority NM0022250 PCI
Total Pretreatment Program Audits in FY 2012 = 1**

OUTPUT 6 - If EPA conducts an audit/inspection of the Albuquerque MS4 permit, NMED will assist/participate in the audit.

No audit/inspection of the Albuquerque MS4 permit has been conducted by EPA to date.

2.3 State Certification

Pursuant to Section 401 of the CWA, NMED, on behalf of the State of New Mexico, certifies Section 402 NPDES permits as specified in section 74-6-4.E of the New Mexico Water Quality Act. In so doing, it is necessary to ensure that permit requirements are compatible with appropriate State laws, protect State adopted water quality standards and implement the State's water quality management plan. The process for State certification is strictly defined in the 40 CFR 124.53(e). SWQB has implemented certification regulations that were adopted by the Water Quality Control Commission on April 5, 2011 and became effective on May 18, 2011. The certification regulations govern the public participation, decision-making and appeal processes for certification of NPDES permits.

SWQB works in partnership with EPA's permit writers to help assure they have accurate information pertinent to setting permit effluent limits before a permit is proposed, thereby

improving the efficiency of the permit issuance process and also aiding State certification. SWQB will continue to work with EPA Region 6 to assure timely issuance/reissuance of NPDES permits in New Mexico.

New Mexico's surface water quality standards are being continuously reviewed and revised as necessary. Accordingly, SWQB, as needed, consults with EPA to facilitate permit drafting in light of changing water quality standards to assure permits drafted by EPA are consistent with such revisions. Additionally, SWQB will continue to provide consultation to EPA permit writers, and can review information developed and provided by EPA for concurrence and quality assurance. On a case-by-case basis, SWQB can assist EPA by helping research and providing additional information such as critical low-flow (4Q3), water quality data information of receiving waters including hardness, TSS, and pollutant concentration background data; applicable water quality standards and water quality standards interpretations (if necessary); and other relevant information.

Outputs

1. Supply or review pertinent information for proposed draft permits from a prioritized list supplied by EPA, as limited by the manpower allocated to this work element.
2. Review all NPDES permits proposed by EPA for state certification in accordance with applicable state and federal regulations and provisions of the CWA. After review of a proposed permit, NMED will:
 - Certify that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law;
 - Certify that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of specified conditions in the permit;
 - Deny certification and include reasons for the denial; or
 - Waive its right to certify.

Certification letters, forms and comments will be submitted to EPA within 45 days of SWQB's receipt of the draft permit unless an extension has been requested and granted by EPA. Certification extensions will be requested at least 2 days prior to the 30-day deadline.

3. Continue to implement the "NPDES Permitting Process and Coordination with State" procedure, or its subsequent mutually developed revisions, during the grant period.

OUTPUT 1 – Supply or Review Pertinent Information for Proposed Draft Permits.

SWQB has continued to assist EPA in its implementation of the "NPDES Permitting Process and Coordination with State" procedure, or its subsequent mutually developed revisions, during the grant period. The majority of this procedure involves actions by EPA over which SWQB has no

control, as well as irregular, undocumented and informal communications via electronic mail or telephone. Other than Output 2 of this Section, which is documented and also addressed in this procedure, these informal communications cannot reasonably be documented. However, pertinent information has been supplied or reviewed as appropriate per EPA request, to the extent practicable.

OUTPUT 2 – State NPDES Permit Certifications

July 1, 2011 – December 31, 2011 State Certifications Completed

Abiquiu MDWCA & MSWA	NM0024830	7/15/11
Chama, Village of/WWTP	NM0027731	7/15/11
Gallup, City of/WWTP	NM0020672	7/15/11
Las Vegas WWTP	NM0028827	7/15/11
Taos Ski Valley, Village of	NM0022101	7/15/11
Los Alamos Co/Bayo WWTP	NM0020141	8/5/11
Santa Rosa, City Of	NM0024988	8/5/11
Albuquerque, City Of/WWTP	NM0022250	9/2/11
Oshara Village	NM0030813	9/2/11
Taos, Town Of WWTP	NM0024066	9/2/11
USDOE Los Alamos Nat Labs -Springs	NM0031054	11/4/11
Las Vegas, City of/WTP	NM0030341	12/2/11
NMG&FD/Red River Fish Hatchery	NM0030147	12/2/11

Total July 1 - December 31, 2011 = 13

January 1, 2012 – June 30, 2012 State Certifications Completed

Ruidoso, Village of/Grindstone Dam	NM0030392	1/27/12
Cloudcroft, Village of	NM0023370	3/9/12
Fort Sumner, Village of	NM0023477	4/5/12
Copper Flat Production Well Field	NM0031101	5/4/12
SWPS/DC Terminal	NM0029131	5/4/12

Total January 1 - June 30, 2012 = 5

Total State NPDES Permit Certifications in FY 2012 = 18

OUTPUT 3 – Continue to Implement the “NPDES Permitting Process and Coordination with State” Procedure.

SWQB has continued to assist EPA in its implementation of the “NPDES Permitting Process and Coordination with State” procedure, or its subsequent mutually developed revisions, during the grant period. The majority of this procedure involves actions by EPA over which SWQB has no control, as well as irregular, undocumented and informal communications via electronic mail or telephone. Other than Output 2 of this Section, which is documented and also addressed in this procedure, these informal communications cannot reasonably be documented. However, pertinent information has been supplied or reviewed as appropriate per EPA request, to the extent practicable.

2.4 Enforcement

State enforcement of point source dischargers is accomplished under the authority of the NM Ground and Surface Water Protection Regulations (20.6.2 NMAC) adopted by the Water Quality Control Commission and other appropriate State statutes (e.g., Water Quality Act and Public Nuisance Act). Enforcement at NPDES-permitted facilities is contingent upon meeting the applicability requirement of Section 2100 of these regulations, or on the discharge resulting in a violation of a state water quality standard or regulation. The regulatory applicability clause is designed to prevent dual regulation by state and federal government but allows the State to act in cases where the federal program has been unable to gain compliance within a prescribed time. The State may enforce provisions of the regulations prohibiting disposal of refuse in a watercourse (Section 2201), which are not subject to the applicability clause. The Department has authority to issue compliance orders, including penalties, for any discharge that results in a violation of a water quality standard (20.6.4 NMAC) or regulation.

Outputs

1. Assist the EPA in its enforcement actions by providing compliance data or inspection-related information as needed.
2. Conduct state enforcement for a discharge resulting in a violation of a state water quality standard or regulation (e.g., prohibiting disposal of refuse in a watercourse) on an as needed basis.

OUTPUT 1 – Provide Enforcement Assistance to EPA.

As described under section 2.2 above, all inspection reports for facilities inspected during FY 2012 have been forwarded to EPA. These reports are available from several internal EPA Region 6 sources and are posted on the SWQB website at <http://www.nmenv.state.nm.us/swqb/NPDES/Inspections/>. In addition, a monthly report of inspections completed is sent to EPA, including to the State/Tribal Program Section. These inspections are used by EPA to determine compliance with the NPDES permitting program in accordance with requirements of the federal Clean Water Act. In addition SWQB also provides EPA enforcement staff additional information and clarification regarding facility compliance during, or when they are contemplating doing, an enforcement action. This is strictly on an as-needed basis and is not tracked.

OUTPUT 2 – Conduct State Water Quality Act Enforcement.

A Notice of Violation and Proposed Penalty was issued to Los Alamos County for violations of the State's water quality standards and disposal of refuse in a watercourse.

Resolution of the Notice of Violation (NOV) was completed by letter from SWQB to Los Alamos County dated December 20, 2011. Since it is believed impractical to identify and remove the source of the contamination, Los Alamos County agreed to design, construct, operate and maintain

infrastructure capable of retaining all storm water runoff from the site from a 100-year/24-hour event as specified as one option for compliance in the NOV.

An Administrative Compliance Order and Proposed Penalty was issued to Harold Daniels for disposal of refuse (tires) in a surface watercourse. The deadline for final clean-up, removal and proper disposal of the tires was extended until January 21, 2012.

SWQB sent a letter to Mr. Daniels on May 21, 2012 confirming that the Stipulated Final Order in this matter is terminated in accordance with Paragraph 35 of the Order. SWQB has verified that all scrap tires have been removed from the Property in accordance with the Order and the attached Workplan.

2.5 DMR Quality Assurance Coordination

SWQB will continue to provide state coordination for EPA's Discharge Monitoring Reports (DMR) Quality Assurance Program studies, which check NPDES permittees' laboratory competence through required analyses of blind check samples. The bureau will provide technical guidance to study participants regarding laboratory procedures and EPA / Water Quality Control Commission approved methodologies and will provide follow-up contacts as requested by study participants receiving "check for error" or "not acceptable" results, to assure that permittees identify and correct sources of error.

Outputs

1. Provide state coordination for DMR-QA studies.

OUTPUT 1: DMR QA State Coordination.

- ***SWQB helps assure that correct contact information is available to EPA, the Contract Laboratory Provider, and the permittees. SWQB is also involved in the study development phase of the DMR-QA program each year. This is usually conveyed verbally by phone, or by email.***
- ***SWQB is the primary contact and recipient of study information from permittees by the DMR-QA Program. SWQB coordinates with permitted facilities who are either required to take part in the DMR-QA Laboratory study or who take part voluntarily in the program, regarding deadlines, required analyses, approved methods for analysis, and any other pertinent questions. This assistance is usually verbal by phone, or by email.***
- ***SWQB reviews the study results and notifies the permittees of additional action required by them if necessary. This notification is usually verbal, by phone, or by email.***
- ***SWQB, upon completion of the study review, notifies EPA Region 6 Compliance, Permits, and Enforcement Branches of any concerns about facilities due to the results of the DMR-QA study. This notice is informal either by email, or verbally by phone.***
- ***During FY 2012, the following facilities participated in the DMR-QA study:***

**NM0022250
NM0022268**

**ABCWUA
CITY OF ARTESIA**

NM0020168	CITY OF AZTEC
NM0020770	CITY OF BLOOMFIELD
NM0030848	BUCKMAN DIRECT DIVERSION PROJECT
NM0022306	CHEVRON MINING INC.
NM0020435	CHINO MINES COMPANY
NMS000101	CITY OF ALBUQUERQUE
NM0020150	CITY OF BELEN
NM0026395	CITY OF CARLSBAD
NM0029351	CITY OF ESPANOLA
NM0020583	CITY OF FARMINGTON
NM0020672	CITY OF GALLUP
NM0023311	CITY OF LAS CRUCES
NM0027987	CITY OF RIO RANCHO
NM0022292	CITY OF SANTA FE
NM0028835	CITY OF SOCORRO
NM0029483	CITY OF SUNLAND PARK
NM0030490	DONA ANA COUNTY
NM0029971	HOLLMAN AFB WWTP
NM0028827	CITY OF LAS VEGAS
NM0020141	LOS ALAMOS COUNTY
NM0028169	MINERAL ENERGY AND TECHNOLOGY
NM0028606	PUBLIC SERVICE CO-NEW MEXICO
NM0020532	RIO ALGOM MINING, LLC
NM0028100	RIO GRANDE RESOURCES CORP.
NM0020311	CITY OF ROSWELL
NM0029165	RUIDOSO-RUIDOSO DOWNS WWTP
NM0020109	TOWN OF SILVER CITY
NM0022101	VILLAGE OF TAOS SKI VALLEY
NM0024899	TOWN OF RED RIVER
NM0024066	TOWN OF TAOS
NM0020681	CITY OF TRUTH OR CONSEQUENCES
NM0020711	CITY OF TUCUMCARI
NM0028355	UNIVERSITY OF CALIFORNIA

2.6 NetDMR Outreach

SWQB will assist EPA in promoting the use of NetDMR by New Mexico NPDES permittees who have not yet made use of this resource by discussing this program with these facilities during compliance evaluation inspections we conduct on EPA's behalf. As specified in the FY 2012 106 work plan, a selected number of major and minor municipal and industrial dischargers are inspected annually, with sampling as necessary to ensure compliance with applicable effluent limitations, permit conditions, and state regulations and standards. Specific lists of facilities to be inspected each year are determined through coordination between the EPA Compliance Assurance and Enforcement Division and SWQB. Names and numbers of facilities to whom we will provide this outreach will not be known until the inspection lists are finalized (usually by October 1) and it is determined which facilities are not using Net DMR at the time of the inspection.

Outputs

1. NetDMR outreach to New Mexico NPDES facilities during facility inspections.

2. Submit a draft of the training presentation/course materials to Region 6 for review and a final version.
3. Conduct 6 training sessions/classes on NetDMR

OUTPUT 1 – Provide NetDMR outreach during facility inspections.

As listed above, SWQB conducted 36 CEI inspections during FY 2012. Of these, one was for unpermitted discharges and eight are already using NetDMR. NetDMR was briefly discussed with the remaining twenty-seven during the inspection.

OUTPUT 2 – NetDMR training presentation to Region 6.

A presentation has been prepared and was submitted to Region 6 for review on December 19, 2011. Suggested revisions were incorporated into the final version, which has been provided to EPA.

OUTPUT 3 – UPDATE: Conduct 6 NetDMR training sessions/classes.

SWQB staff taught two classes in Las Cruces on January 25 & 26, 2012 to approximately 65-70 people.

SWQB staff taught two classes in Espanola on April 17, 2012 to a total of approximately 60 people.

3.0 WATER QUALITY STANDARDS (2.25 FTEs)

3.1 Introduction

Periodic review of water quality standards is required by the Clean Water Act, federal regulation and the NM Water Quality Act. SWQB undertakes timely triennial reviews, pursues interim standards rulemakings, develops proposals and detailed justifications, and conducts public involvement efforts related to standards proposals. SWQB also updates the *Water Quality Management Plan and Continuing Planning Process* as needed. These efforts are coordinated with monitoring and assessment activities described in Section 1.

The Quality Management Plan for New Mexico Environment Department Surface Water Quality Bureau Environmental Data Operations (QMP) describes the quality system for planning, implementing, documenting, and assessing the effectiveness of SWQB's activities. The Quality Assurance Project Plan (QAPP) describes SWQB's data collection procedures and quality assurance and quality control activities. It ensures that the environmental data collection efforts conducted by SWQB are consistent, coordinated, and integrated. SWQB's quality assurance officer oversees the update and implementation of the QAPP.

SWQB strives to ensure that the state completes its share of the following federal Performance Activity Measure commitments related to water quality standards each year.

Related EPA Performance Activity Measures (from FY11 National Water Program Guidance)

WQ-3a	<i>Number and national percent of States...that, within the preceding 3-year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in previous standards.</i>
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3.2 Water Quality Standards

SWQB will address any outstanding issues that may arise from EPA's review of the triennial review amendments adopted by the Water Quality Control Commission in 2010. SWQB will also continue its ongoing evaluation of needed changes to the water quality standards. Current priorities are to develop a proposal to classify additional lakes, especially those currently underprotected; to review Hydrology Protocol based UAAs, and to develop proposals to reclassify streams whose current aquatic life uses are not aligned with naturally attainable conditions. Another potential project is the development of a provision authorizing temporary criteria ("variances" in EPA guidance), but the effort is currently on hold pending stakeholder interest and EPA rulemaking on the WQS regulation. Development of numeric nutrient criteria remains a priority but funding for the effort is currently lacking. Prioritization of these or other potential changes is an ongoing process. SWQB intends to continue close coordination with EPA in developing any proposals and necessary justification.

Outputs

1. Prepare proposal to classify additional lakes in the WQS, including supporting documentation. Conduct public participation during the latter half of 2011. Develop a schedule for petitioning the Water Quality Control Commission to hold a hearing on the new classifications.
2. Review Hydrology Protocol UAAs being conducted by a contractor for selected waters with NPDES discharges (and any other such UAAs that may be undertaken and submitted by a third party). If the UAAs demonstrate that Section 101(a)(2) uses are not attainable, post the UAAs for public comment, respond to comments received, and forward to EPA for review, per the expedited UAA process in Subsection C of 20.6.4.15 NMAC.
3. Complete the Dry Cimarron and Galisteo UAAs and work with EPA to obtain technical approval.
4. Conduct two additional UAAs based in part on the air-water temperature correlation developed by SWQB (if approval of the approach is timely received from EPA).

UPDATE July - December 2011: Output #1 has been completed. SWQB released for public comment a draft proposal to amend water quality standards for specific lakes and for the lower Dry Cimarron River watershed on August 10, 2011. Deby Sarabia conducted a public meeting on the lakes portion of the proposal in Santa Fe on August 24; another meeting was scheduled in Roswell but no one attended. (A public meeting on the Use Attainability Analysis for the Dry Cimarron had been held in August 2010.)

The public comment period ended on September 9, 2011. The State Parks Division sent a letter of support (several of the lakes are in state parks). The City of Santa Fe sent a letter generally expressing support but requesting that its municipal reservoirs be omitted from this proposal and included instead in a proposal addressing other portions of the Santa Fe River in 2012. A few supportive comments were also received from residents in the Dry Cimarron watershed.

On September 26, 2011 SWQB filed a petition for hearing on the proposed amendments. The petition was considered by the Commission in October, and a hearing has been scheduled for April 2012. The petition and supporting documents are included as deliverable with this report and posted on the website at <http://www.nmenv.state.nm.us/swqb/Standards/>. The supporting documents include the UAA prepared by Tim Michael for the Dry Cimarron. SWQB received technical approval of the UAA from Russell Nelson on November 3, 2011.

On December 8, 2011 SWQB received a letter from Jane Watson in response to James Bearzi's June 2011 letter on the Triennial Review ROD (see last reporting period). The Watson letter requests a response by mid-January. Pam Homer and Tim Michael have begun drafting the response.

The field work for the Hydrology Protocol UAAs has been completed by the contractor. Jodey Kougioulis has begun reviewing the data.

Pam Homer coordinated with U.S. Forest Service staff to prepare a training item on implementation of the new ONRW antidegradation provisions for the annual NMED-USFS meeting that was held on November 15, 2011. Informational materials have also been posted to the SWQB website at <http://www.nmenv.state.nm.us/swqb/ONRW/>. (SWQB still awaits EPA action on the new wilderness ONRW designations and revised antidegradation provisions, which were submitted for approval on December 28, 2010,)

Pam Homer has also been attending monthly webinars on water quality standards for wetlands hosted by the Association of State Wetland Managers in anticipation of a possible proposal for the next Triennial Review.

UPDATE January – June 2012:

On January 26 NMED responded to EPA's request for additional information related to the remaining items pending from the 2009 Triennial Review (see attachments). NMED was pleased that the EPA took final action on the remaining issues on April 30, 2012.

***Output #1:** The WQCC held its regular monthly meeting on April 10, 2012, followed by the public hearing on the proposed amendments including Lake Standards and the Dry Cimarron UAA (output 3 below) which were formally adopted that day. The WQCC-approved amendments change the aquatic life use on the lower Dry Cimarron River from coldwater to coolwater, and add 19 new segments establishing water quality standards for 62 lakes in the Rio Grande, Pecos, Canadian, Gila, San Juan and Little*

Colorado Basins. (see <http://www.nmenv.state.nm.us/swqb/Standards/WQCC-11-05R/index.html> for all files related to this hearing)

The WQCC-Approved amendments have been filed with the State Records and Archives Department for publication in the New Mexico Register. The US EPA has been forwarded the WQCC-Approved amendments at this time for their final approval process.

Output #2: In June the New Mexico Environment Department (Department) completed, with the assistance of Department contractor's Daniel B. Stephens and Associates (DBSA), an examination of 18 unclassified non-perennial stream segments associated with 13 National Pollutant Discharge Elimination System (NPDES) permitted facilities located throughout New Mexico (Figure 1). Through the application of the Hydrology Protocol for the Determination of Uses Supported by Ephemeral, Intermittent, and Perennial Waters, this document determines the appropriate hydrologic classification of surface waters through an Use Attainability Analysis (UAA) process as described in §20.6.4.15 NMAC. (see attached deliverables)

The draft UAAs were submitted to EPA for technical review and they were found to meet technical requirements (see attached letter from EPA) and as such will be release for a 30-day public comment period in July.

In addition NMED staff provided informal review and comment on draft UAA's developed for Chino Mines using the department's Hydrology Protocol. Find within the attachments the comments we provided as a result of this review.

Output #3: the UAA for the Dry Cimarron River was completed during the last reporting period. In this reporting period a UAA for the Galisteo River was completed. In the attachments is a copy and during the next reporting period it will be submitted to EPA for technical review. A public meeting for the Galisteo UAA is scheduled for August 8th with a hearing before the WQCC planned for December.

Output #4: NMED staff are also working on two UAA's for portions of the Santa Fe River (a preliminary draft completed but not submitted as a deliverable at this time). A basic outline of the proposed changes for the Santa Fe River was developed and is attached; two public meetings were held in May to solicit public input in the process (see also <http://www.nmenv.state.nm.us/swqb/SantaFeRiver/Proposal/>). Changes proposed are based in part on the air-water temperature correlation as well as other modifications to water quality standards for the Santa Fe River – we expect to complete these documents early in the next reporting period and submit to EPA for technical review and release for public comment. In August we will request to be scheduled for a December Hearing to consider both as changes to the State's Water Quality Standards.

3.3 Quality Assurance

Quality assurance is a bureau-wide enterprise requiring all staff to be familiar with, implement and suggest refinements to the QMP and QAPP. Both documents are reviewed and updated annually as needed.

Outputs

1. Review and update the QMP as necessary and submit to EPA by September 30, 2011.
2. Submit an annual QA Report to EPA by January 31, 2012.
3. Review and update the QAPP as necessary and submit to EPA by January 31, 2012.

UPDATE July - December 2011: Jodey Kougioulis updated the QMP and submitted in advance of the deadline identified here at EPA's request. It was approved by EPA on August 1, 2011 and is posted on the SWQB website at <http://www.nmenv.state.nm.us/swqb/Planning/QMP/>. The process of revising the QAPP has begun and will be submitted to EPA by the required deadline.

UPDATE January - June 2012: Jodey Kougioulis updated and submitted the QAPP on January 31, 2012 and the annual QA report to EPA on February 3, 2012. The QAPP was approved on March 8, 2012 and is posted on the SWQB website at <http://www.nmenv.state.nm.us/swqb/QAPP/> . The QMP was updated and submitted to the EPA on June 13, 2012 and was approved on July 10, 2012. The QMP is posted on the SWQB website at <http://www.nmenv.state.nm.us/swqb/Planning/QMP/>. These documents are provided in the attachements as deliverables.

4.0 FINANCE & ADMINISTRATION (1 FTE)

4.1 Introduction

SWQB's financial management focuses on the Bureau's financial processes, in particular, procurement, contracts, grant management, budget oversight and related personnel issues.

4.2 Financial Support for Surface Water Quality Bureau Programs

Methods to ensure proper financial controls and oversight of Bureau programs are implemented by SWQB financial and administrative staff. Continued fiscal control is needed to ensure that all project records comply with Federal, State and NMED regulations, policies and procedures and EPA associated grant requirements.

Outputs

1. Implement fiscal policies and accounting procedures to ensure proper financial controls and oversight for Surface Water Quality Bureau programs are in compliance with Federal and State regulations.
2. Consult with program staff, management, EPA administrators, department financial administrators, and auditors to identify financial management problems, constraints, and conditions, & develop and implement acceptable solutions.
3. Inform and train all relevant SWQB financial staff with proper procedures for preparing financial documents, including budgets, purchases, grant applications, professional services contracts, and joint powers agreements.
4. Prepare internal and external financial reports, including responses to all audits, to ensure financial management records comply with Federal, State and NMED requirements.

UPDATE July - December 2011: NMED SWQB fiscal staff continue to manage the bureaus' finances in a fiscally sound manner by conducting monthly reviews and reconciliation to ensure compliance with Federal and State statutes, regulations, and guidelines. In order to continue the fiscal integrity of the bureau, a Financial Manager was hired in August 2011 to oversee all financial aspects for transparency and accountability. The manager hired was previously the departments Federal Grant Manager, who possess significant knowledge and experience in the realm of grants management, finance, and budgeting. Additionally, the bureau hired a new Contracts Specialist to handle and assist with the RFP process, tracking contractual obligations, recording and tracking matching requirements associated to the contract and to ensure the appropriate contracting instruments are utilized in line with NM Procurement Code and Federal Regulations. The Contract Specialist serves as the liaison between the bureau and ASD and OGC and continues to work closely with NMED's divisions along with the Department of Finance and Administration and State Purchasing.

Financial staff continues to meet regularly with managers and program staff to discuss staffing needs, budget constraints, grant objectives, milestones, and deliverables to properly and effectively manage all funding sources towards assuring accuracy, accountability, and transparency.

Financial processes, procedures and protocols are being review for relevancy, accuracy and completeness, which may require revisions towards implementing sound accounting and best practices in line with GAAP. Areas identified as not having procedures in place, will require implementation of said procedure.